

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

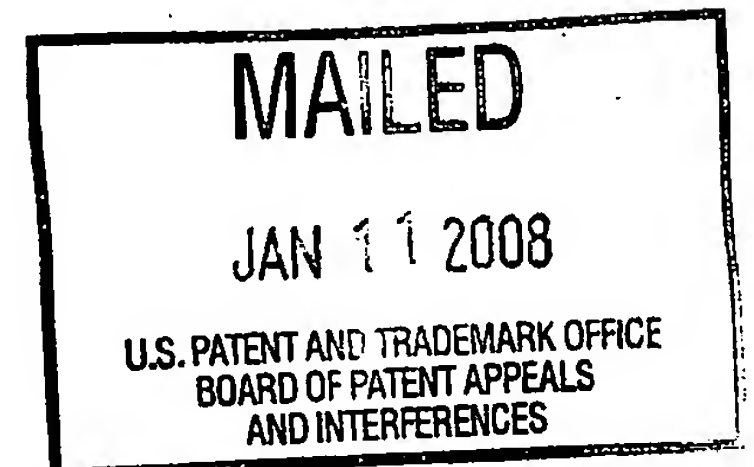
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Ex parte CAROL T. SCHEMBRI, STEVEN M. LEFKOWITZ,  
MICHEL G. M. PERBOST and ROY H. KANEMOTO

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Appeal No. 2007-3895  
Application No. 10/037,757

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ORDER REMANDING TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on June 18, 2007. A review of the application has revealed that the application is not ready for consideration of the appeal; therefore, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

The Reply Brief filed April 26, 2007, in response to the Examiner's Answer (which introduces a new ground of rejection) is improper/defective.

When or if appellant requests that the appeal be maintained; the appellant must file a reply brief that addresses each new ground of rejection set forth in the answer in compliance with 37 CFR 41.37 9(c)(1)(vii) within two months from the mailing of the answer. The reply brief should include the following items, with each item starting on

a separate page, so as to follow the other requirements of a brief as set forth in 37 CFR 41.37(c):

(1) Identification page setting forth the appellant's name(s), the application number, the filing date of the application, the title of the invention, the name of the examiner, the art unit of the examiner and the title of the paper (i.e., Reply Brief);

(2) Status of claims page(s)

(3) Grounds of rejection to be reviewed on appeal pages(s); and

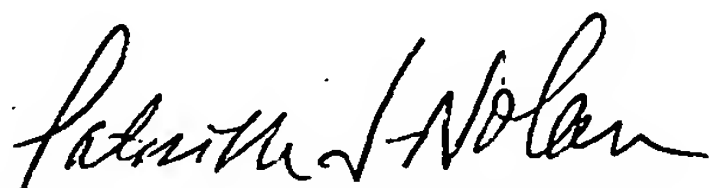
(4) Argument page(s).

In this instance, the Reply Brief is defective, as items 2 and 3 (above) have not been provided.

Accordingly, it is

**ORDERED** that the application is remanded to the examiner to have applicants file a Reply Brief in compliance with 37 CFR 41.37 (c)(1)(vii), and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
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Application No. 10/037,757

PJN/dm

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